

FILED

AUG 20 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

ROBERT OWEN HINTON, PRO SE

REG. NO. 04546-033

PLAINTIFF/PETITIONER,

*(Enter above the full name of the plaintiff
or plaintiffs in this action).*

(Inmate Reg. # of each Plaintiff)

5:08-1012

VERSUS

CIVIL ACTION NO. T.B.A.

**FEDERAL BUREAU OF PRISONS,
et al.,
TODD R. CRAIG, WARDEN
W.C. RAY, CASE MANAGER**

(Number to be assigned by Court)

1600 INDUSTRIAL ROAD

FCI BECKLEY

BEAVER, WV 25813

*(Enter above the full name of the defendant
or defendants in this action)*

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____

No X

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: N/A

Defendants: N/A

2. Court (if federal court, name the district; if state court, name the county);

N/A

3. Docket Number: N/A

4. Name of judge to whom case was assigned:

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

II. Place of Present Confinement: FEDERAL CORRECTIONAL INSTITUTION-BECKLEY
BEAVER, WV 25813

A. Is there a prisoner grievance procedure in this institution?

Yes X No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? I AM A FEDERALLY INCARCERATED PRISONER

Yes N/A No N/A

C. If you answer is YES:

1. What steps did you take? With all due respect, I

thoroughly exhausted every Administrative
Remedy Procedure available in the Bureau of Prisons.

2. What was the result? All grievances were denied, i.e.

BP-9, BP-10, and BP-11. See attached Memorandum of Law
for extensive details regarding this matter.

D. If your answer is NO, explain why not: N/A

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: ROBERT OWEN HINTON #04546-033

Address: P.O. BOX 350, FCI BECKLEY, BEAVER, WV 25813

B. Additional Plaintiff(s) and Address(es): N/A

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: TODD R. CRAIG

is employed as: WARDEN-FEDERAL CORRECTIONAL INSTITUTION-
at BECKLEY, BEAVER, WEST VIRGINIA 25813

D. Additional defendants: W.C. RAY

CASEMANAGER-PINE UNIT A/L

FCI BECKLEY, BEAVER, WEST VIRGINIA 25813

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Plaintiff/Petitioner Robert Owen Hinton is a federal prisoner
at FCI Beckley whose statutory and due process rights are
being arbitrarily violated by the Bureau of Prisons by the
blatant and capricious misinterpretation, misapplication and
misperception of BOP Program Statement 5100.08, dated Septem-
ber 12, 2006, specifically outlining Inmate Designation and
Custody Classification policy and procedure regarding the
Bureau's inmate classification system. Plaintiff Hinton has

IV. Statement of Claim (continued):

a sufficient liberty interest in confinement at a "Low" Security institution to trigger Due Process Cause protections guaranteed by the U.S. Constitution. Defendants Craig and Ray incorrect deliberate indifference and misinterpretation of the aforementioned BOP Program Statement is an indisputable infringement upon Plaintiff's Ex Post Facto protections guaranteed by Article I, Section 9, Clause 1 and Article I, Section 10, Clause 1, of the U.S. Constitution. See attached Memorandum of Law.

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Issue an Injunction ORDERING defendants T.R. Craig, Warden and W.C. Ray, Case manager, or their agents to: Immediately conduct and perform a meticulous examination of Plaintiff's BOP Central File, Presentence Investigation Report and all other pertinent documents that determine a federal prisoner's Inmate Security Designation & Custody Classification "score" pursuant to BOP Program Statement's 5880.30, dated July 16, 1993 and the "new" 5100.08, effective date September 12, 2006. Immdi-
conduct a meticulous reexamination, reevaluation and assess-

V. Relief (continued)):

ment of Plaintiff's Bureau of Prisons Central File & Presentence Investigation Report REMOVING SIX PRIOR MISDEMEANOR convictions and ONE PRIOR FELONY conviction from Hinton's Inmate Security Designation and Custody Classification Form. All being conducted in accordance with BOP Program Statements 5880.30 and 5100.08, respectively. Award Plaintiff Hinton \$100,000.00 in "compensatory damages" and \$50,000.00 in U.S. currency for "punitive damages". Issue an injunction ORDERING all defendants and the BOP to refrain from transferring Hinton during this civil rights complain proceeding. Further, once the reevaluation of Hinton's classification score is completed, transfer to FMC Lexington, Kentucky. See attached Memorandum of Law for details.

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

N/A

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Do not have the funds to retain private counsel.

Yes _____ No X

If so, state the name(s) and address(es) of each lawyer contacted:

N/A

If not, state your reasons: Do not have the necessary funds at this time to retain a private law firm in this matter.

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No X

If so, state the lawyer's name and address:

Signed this 14TH day of AUGUST, 2008.

Robert Owen Hinton

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on AUGUST 14, 2008
(Date)

Robert Owen Hinton

Signature of Movant/Plaintiff

ProSe

Signature of Attorney
(if any)

QUALITY PARK
9-1/2 x 12-1/2

LEGAL

Documents

FEDERAL CORRECTIONAL INSTITUTION

BECKLEY

P.O. BOX 1280

BEAVER, WV 25813

DATE

8-16-08

THE ENCLOSED LETTER WAS PROCESSED THROUGH
SPECIAL MAILING PROCEDURES FOR FORWARDING TO
YOU. THE LETTER HAS BEEN NEITHER OPENED NOR
INSPECTED. IF THE WRITER RAISES A QUESTION OR
PROBLEM OVER WHICH THIS FACILITY HAS JURIS-
DICTION, YOU MAY WANT TO RETURN THE MATERIALS.
FOR FURTHER INFORMATION OR CLARIFICATION, IF
THE WRITER ENCLOSES CORRESPONDENCE FOR
FORWARDING TO ANOTHER ADDRESS, PLEASE
RETURN THE ENCLOSURE TO THE ABOVE ADDRESS.